

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Consumer Electronics Service, Inc.)	File No. EB-03-DT-742
)	
Austintown, Ohio)	Citation No. C20043236001

CITATION

Released: October 21, 2003

By the Enforcement Bureau, Detroit Office:

1. This is an official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Act”),¹ to Consumer Electronics Service, Inc. (“Consumer Electronics”) for violation of Section 302(b) of the Act,² and Sections 2.803(a)(1) and 2.815(b) of the Commission’s Rules (“Rules”).³

2. On July 24, 2003, agents from the Detroit Office of the Federal Communications Commission (“FCC”) inspected radio transmitting equipment at Consumer Electronics, 5407 Mahoning Avenue, Austintown, Ohio. They found two models of a Citizens Band radiofrequency amplifier (“linear”) for sale, in violation of the FCC’s marketing Rules. The linears were a Matco 225 Plus and Palomar TX-220B.

3. The linear amplifiers, which you are offering to sell, are not only illegal to sell but also illegal to advertise for sale. Section 302(b) of the Act provides “No person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.” Section 2.803(a)(1) of the Rules provides that “... no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device” Section 2.815(b) of the Rules states: “... no person shall manufacture, sell ... any external radio frequency power amplifier or amplifier kit capable of operation on any frequencies between 24 and 35 MHz.”

4. Consumer Electronics is hereby warned that selling linear amplifiers constitutes a violation of the Federal laws cited above. **THE SALE OF ILLEGAL LINEAR AMPLIFIERS MUST BE DISTONTINUED IMMEDIATELY.**

¹ 47 U.S.C. § 503(b)(5)

² 47 U.S.C. § 302(b)

³ 47 C.F.R. § §2.803(a)(1) & 2.815(b)

Federal Communications Commission

5. Subsequent violations of the Communications Act or the Commission's Rules may subject the violator to substantial monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation,⁴ seizure of equipment through *in rem* forfeiture action, and criminal sanctions including imprisonment.⁵

6. You may request a personal interview at the Commission's Field Office nearest your place of business. The nearest office is the **Detroit Office, 24897 Hathaway Street, Farmington Hills, Michigan 48335-1552**, which you can contact by telephone at (248) 471-5661. You must schedule this interview to take place within twenty-one (21) days of the date of this Citation. Alternatively, you may submit a written statement to the above address within twenty-one (21) days of the date of this Citation. Any written statement should specify what actions have been taken to correct the violations outlined above. Please reference case number EB-03-DT-742 when corresponding with the Detroit Office.

7. This Citation shall be sent shall be sent First Class U.S. Mail and, Certified Mail, Return Receipt Requested, to Consumer Electronics Service, Inc., 5407 Mahoning Avenue, Austintown, Ohio 44515.

8. The Privacy Act of 1974⁶ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Citation is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷ **Please be advised that if you choose not to respond to this Citation and a forfeiture is issued, your unresponsiveness will be considered in our assessment of a forfeiture amount.**

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater
District Director
Detroit Office

⁴ See 47 C.F.R. § 1.80(b)(3)

⁵ See 47 U.S.C. §§ 401, 501, 503, 510

⁶ P.L. 93-579, 5 U.S.C. § 552a(e)(3)

⁷ 18 U.S.C. § 1001 *et seq.*